

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **CRIMINAL NO.** 09-

v. : **DATE FILED:** August 12, 2009

BENJAMIN DALE LEAMAN : **VIOLATIONS:**

- : **21 U.S.C. § 963 (conspiracy to import Schedule**
- : **II controlled substances – 1 count)**
- : **21 U.S.C. § 846 (conspiracy to possess with intent**
- : **to distribute Schedule II controlled substances –**
- : **1 count)**
- : **21 U.S.C. § 952(a) (importation of oxycodone – 1**
- : **count)**
- : **21 U.S.C. § 841(a)(1)(A) (possession with intent**
- : **to distribute oxycodone – 1 count)**
- : **21 U.S.C. § 841(a)(1)(A) (possession with intent**
- : **to distribute hydrocodone – 1 count)**
- : **18 U.S.C. § 1956(a)(2) (money laundering – 9**
- : **counts)**
- : **18 U.S.C. § 922(g)(1) (felon in possession of**
- : **ammunition – 1 count)**
- : **18 U.S.C. § 2 (aiding & abetting)**
- : **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. Between on or about July 2006 and on or about August 20, 2008, in Lancaster, in the Eastern District of Pennsylvania, Brazil, and elsewhere, defendant

BENJAMIN DALE LEAMAN

conspired and agreed, with others known and unknown to the grand jury, to knowingly and intentionally import mixtures and substances containing detectable amounts of oxycodone, methodone and morphine, Schedule II controlled substances, into the United States from a place

outside thereof, that is Brazil, in violation of Title 21, United States Code, Sections 952(a), 960(a)(1), 960 (b)(3).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant BENJAMIN DALE LEAMAN sent email communications to a conspirator, Person # 1 known to the grand jury (Person # 1), in Brazil, in which defendant LEAMAN and Person # 1 agreed that Person # 1 would send tablets containing Schedule II controlled substances, including oxycodone, methodone, and morphine, from Brazil to defendant LEAMAN in the United States in exchange for money.

3. In the email communications, defendant BENJAMIN DALE LEAMAN placed orders for different quantities and variants of tablets containing the Schedule II controlled substances and gave instructions to Person # 1 about where to send the drugs.

4. Also in the email communications, defendant BENJAMIN DALE LEAMAN and Person # 1 agreed on a price that defendant LEAMAN would pay Person # 1 for the shipments of the tablets containing the controlled substances.

5. Defendant BENJAMIN DALE LEAMAN arranged for money to be wired to Person # 1 in Brazil via Western Union.

6. After effecting the wire transfers, defendant BENJAMIN DALE LEAMAN informed Person # 1 in emails of the money transfer control numbers that Western Union had assigned to the transfers.

7. After receiving the wire transfers from defendant BENJAMIN DALE LEAMAN, Person # 1 sent shipments of controlled substances from Brazil into the United States

to locations indicated by defendant LEAMAN, including to defendant LEAMAN's residence in Lancaster, PA, and to a mailbox defendant LEAMAN rented in Leola, Pennsylvania.

8. On approximately 18 occasions between in or about July 2006, and in or about August 2008, defendant BENJAMIN DALE LEAMAN received shipments of tablets containing Schedule II controlled substances, including oxycodone, methodone and/or morphine, from Person # 1 in Brazil.

9. On at least, approximately 29 occasions, between in or about May 2007, and in or about August 2008, defendant BENJAMIN DALE LEAMAN caused money to be sent by wire transfer from the United States to Brazil.

All in violation of Title 21, United States Code, Section 963.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 9 of Count One of this indictment are incorporated here.

2. From at least in or about July 2006 through on or about August 20, 2008, in Lancaster, in the Eastern District of Pennsylvania, Brazil, and elsewhere, defendant

BENJAMIN DALE LEAMAN

conspired and agreed, with others known and unknown to the grand jury, to possess with intent to distribute mixtures and substances containing detectable amounts of oxycodone, methodone, and morphine, Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

MANNER AND MEANS

It was a part of the conspiracy that:

3. Defendant BENJAMIN DALE LEAMAN imported Schedule II controlled substances into the United States, including tablets containing different dosages of oxycodone, methodone and morphine, from a conspirator, Person # 1 known to the grand jury (Person # 1) in Brazil.

4. Person # 1 sent the tablets from Brazil to defendant BENJAMIN DALE LEAMAN in packages delivered to defendant LEAMAN's home in Lancaster, Pennsylvania (PA), or to a private mailbox in Leola, PA, rented by defendant LEAMAN.

5. Defendant BENJAMIN DALE LEAMAN and Person # 1 agreed that defendant LEAMAN would sell or attempt to sell the Schedule II controlled substances he received from Person # 1 and use the proceeds to buy additional drugs.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendant BENJAMIN DALE LEAMAN and Person # 1, and others unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

On or about August 18, 2008:

1. Defendant BENJAMIN DALE LEAMAN sent an email to Person # 1 in Brazil, asking Person # 1 to send him 150 tablets containing oxycodone, a Schedule II controlled substance, and stating that defendant LEAMAN wanted to “move 500 or more a month again in time.”

2. Defendant BENJAMIN DALE LEAMAN caused Western Union to send by wire transfer \$2,250 in U.S. currency to Person # 1 in Brazil.

3. On or about August 20, 2008, Person # 1 caused to be shipped to Total Package Plus Co. 345 West Main Street, in Leola, PA, a package containing, among other things, 150 tablets containing oxycodone in a white plastic bottle.

All in violation of Title 21, United States Code, Section 846.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 20, 2008, in Lancaster County, in the Eastern District of Pennsylvania, defendant

BENJAMIN DALE LEAMAN

knowingly and intentionally imported a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, into the United States from a place outside the United States, that is, Brazil.

In violation of Title 21, United States Code, Sections 952(a) and 960(a)(1), (b)(1)(C).

COUNTS FOUR THROUGH TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 2 through 9 of Count One and paragraphs 3 through 5 of Count Two of this indictment are incorporated here.

2. On or about the dates set forth in the chart below, in Lancaster, in the Eastern District of Pennsylvania, Brazil, and elsewhere, defendant

BENJAMIN DALE LEAMAN

knowingly transmitted and transferred, and aided and abetted and willfully caused, the transmission and transferring of, a monetary instrument and funds, from a place in the United States to a place outside the United States, that is, Brazil, with the intent to promote the carrying on of a specified unlawful activity, that is, conspiracy to import Schedule II controlled substances into the United States from Brazil, and importation of Schedule II controlled substances, in violation of 21 U.S.C. §§ 952(a)(1) and 963, and conspiracy to possess with intent to distribute Schedule II controlled substances, and possession with intent to distribute Schedule II controlled substances, in violation of 21 U.S.C. §§ 841(a)(1) and 846:

COUNT	DATE	DESCRIPTION OF WIRE TRANSFER
4	December 19, 2006	\$1,220 from the United States to Brazil
5	December 20, 2006	\$1,024 from the United States to Brazil
6	January 11, 2007	\$2,200 from the United States to Brazil
7	July 9, 2007	\$1,650 from the United States to Brazil
8	February 6, 2008	\$1,100 from the United States to Brazil
9	February 28, 2008	\$2,975 from the United States to Brazil
10	April 22, 2008	\$2,700 from the United States to Brazil

COUNT	DATE	DESCRIPTION OF WIRE TRANSFER
11	July 11, 2008	\$1,875 from the United States to Brazil
12	August 18, 2008	\$2,250 from the United States to Brazil

All in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2.

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 23, 2009, in Lancaster, in the Eastern District of Pennsylvania,
defendant

BENJAMIN DALE LEAMAN

knowingly and intentionally possessed with intent to distribute a mixture and substance
containing a detectable amount of oxycodone, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 23, 2009, in Lancaster, in the Eastern District of Pennsylvania,
defendant

BENJAMIN DALE LEAMAN

knowingly and intentionally possessed with intent to distribute a mixture and substance
containing a detectable amount of hydrocodone, a Schedule III controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(D).

COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 23, 2009, in Lancaster, in the Eastern District of Pennsylvania,
defendant

BENJAMIN DALE LEAMAN,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce ammunition, that is, 40 rounds of live rifle ammunition and 17 rounds of live shotgun ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1), 846, 952(a), and 963, set forth in this indictment, defendant

BENJAMIN DALE LEAMAN

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including, but not limited to: the residence located at 309 West Lemon Street, Lancaster, PA; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, including, but not limited to, the sum of \$32,413.50.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

3. As a result of the violation of Title 18, United States Code, Section 922(g)(1), set forth in this indictment, defendant

BENJAMIN DALE LEAMAN

shall forfeit to the United States of America, the ammunition involved in the commission of such offense, including, but not limited to:

- (a) 40 rounds of live rifle ammunition; and
- (b) 17 rounds of live shotgun ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

MICHAEL L. LEVY
United States Attorney